

DPW

Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paper Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/791,694	
	Filing Date	March 2, 2004	
	First Named Inventor	David R. Zittel	
	Group Art Unit	1761	
	Examiner Name	George C. Yeung	
Total Number of Pages in This Submission	9	Attorney Docket Number	338.071

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Formal Drawings	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment /Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Statutory Disclaimer	
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Response to Notification of Missing Requirements Under 35 USC 371	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 DECLARATION		

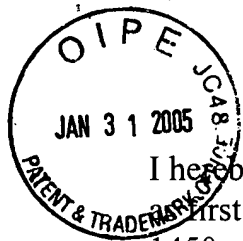
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	David D. Stein, Registration No. 40,828 Boyle, Fredrickson, Newholm, Stein & Gratz, S.C. Customer No.: 23598
Signature	<i>David D. Stein</i>
Date	January 26, 2005

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this date:		January 26, 2005
Type or printed name	Dawn M. Oleszak	
Signature	<i>Dawn M. Oleszak</i>	Date January 26, 2005

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



I hereby certify that this correspondence is being deposited with the U.S. Postal Service first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Dawn M. Oleszak

Dawn M. Oleszak

Date: January 26, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): David R. Zittel et al

Docket No.: 338.071

Serial No.: 10/791,694

Filed: March 2, 2004

Reissue of.: U.S. Pat. 6,214,400

Issued: April 10, 2001

Examiner: George C. Yeung

Group Art Unit: 1761

Title: *Method for Processing Food Product*

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In this Supplemental Information Disclosure Statement, patentee wishes to make record the blueprint of Hughes Company dated June 16, 1997 submitted herewith that was enclosed with a letter dated February 12, 2003 from Hughes' patent attorney, a copy of which is also enclosed. As is noted in the attached letter, Hughes' contends the blancher shown in its 1997 blueprint is prior art under 35 U.S.C. § 102(b) due to its commercial installation and use Listowel, Canada in 1997. The Angy blancher discussed in the letter refers to a current Hughes blancher design that Hughes contends is based on the 1997 blancher. Other than that, the Hughes/Angy blancher is not believed to be prior art and has not been included.

Page 2 of the enclosed Hughes' February 12, 2003 letter states that the 1997 Hughes' blancher has a single water recirculation pipe with discharge nozzles mounted

beneath the blancher's rotating perforate drum. The letter states that the 1997 Hughes' blancher also has two steam pipes to provide heated steam to the water in the blancher over the length of the blancher.

From the Hughes 1997 blancher blueprint, it appears that the water recirculation pipe, labeled "Water Recirculation Manifold" in the Hughes 1997 blancher blueprint, has a length that is less than about one-third the total length of the blancher. One steam pipe, labeled "Steam Manifold" in the Hughes 1997 blancher blueprint, appears to have a length that extends from one end of the blancher to about the halfway point of the blancher and the other steam pipe appears to have a length that extends from the opposite end of the blancher to about the halfway point of the blancher.

No other parameters, including operating parameters, have been provided by Hughes. However, Hughes stated in its letter that the current Hughes/Angy blancher design is very similar to the Hughes 1997 blancher. Assuming that to be the case, it appears that the single water recirculation pipe of the Hughes 1997 blancher is somewhere around 55 inches long and made of 2 inch tubing or piping having $\frac{1}{2}$ inch to $\frac{3}{4}$ inch discharge nozzle openings spaced about 2 inches apart from each other. If the same or similar 5 horsepower pump was used as in the Hughes/Angy blancher design, it is roughly estimated that a water flow rate out each discharge nozzle would be approximately somewhere around 2-4 gpm at a pressure of somewhere around 5-15 psi. It may be possible to increase output pressure somewhat by constricting flow out each discharge nozzle, but this would reduce the water flow rate to something less than the aforementioned 2-4 gpm estimate.

The steam flow rate(s) and steam pressure(s) are not known for the 1997 Hughes blancher or the Hughes/Angy blancher.

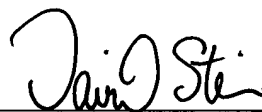
Page 3 of the enclosed Hughes February 12, 2003 letter asserts that De Back, U.S. Patent No. 2,299,088 (actually U.S. Patent No. 2,299,080) is prior art to the claimed invention. It should be noted that De Back's more comprehensive parent, U.S. Patent No. 2,314,871, was considered by the Examiner during the prosecution of patentee's U.S. Patent No. 6,234,066, which is a continuation of patentee's U.S. Patent No. 6,214,400, which is the

subject of the above-identified reissue application. It also should be noted that patentee's '066 patent is also currently under reissue. Copies of both De Back patents are being submitted herewith in this information disclosure statement.

In addition, the patentee wishes to supplement and clarify the record regarding a prior art commercial blancher installation of the patentee, the general parameters of which are summarized and disclosed at col. 1, line 62-65 of the Background of the Invention section of patentee's '400 patent. Further analysis of the operating parameters of this prior art commercial blancher installation of the patentee indicates that a 7½ horsepower pump was used to pump water through a water recirculation header having a length of about 53 inches. The water recirculation header was equipped with twenty-one discharge nozzles that each had an opening 1/8 inch in diameter and that were spaced apart from each other between about 2 and 3 inches. The water pressure in the water recirculation header was estimated to be somewhere between 42-48 psi, which is higher than the 8 psi stated in the aforementioned Background of the Invention section of patentee's '400 patent. However, the water flow rate out each discharge nozzle of the water recirculation header is estimated to have been somewhere around 1-2 gpm, which is lower than the 10 gpm stated in the Background of the Invention section of patentee's '400 patent.

While neither the 1997 Hughes blancher, the De Back patents, nor the patentee's own prior art blancher are believed to be material to the patentability to the invention claimed in the '400 patent or to any of the presently pending claims in the above-identified application, the Examiner is nonetheless requested to take all of this into careful consideration in examining the above-identified application. If the Examiner needs additional information that might be helpful in making this determination, the Examiner is requested to contact the undersigned.

Respectfully submitted,



David D. Stein
Reg. No. 40,828

Boyle, Fredrickson, Newholm,
Stein & Gratz, S.C.
250 East Wisconsin Avenue, Suite 1030
Milwaukee, WI 53202
Phone: (414) 225-9755
Fax: (414) 225-9753
Customer No.: 23598

